

## **520.00 RESEARCH INTEGRITY COMMITTEE**

To ensure research at Tennessee State University is conducted effectively, objectively and without improper influence or the appearance of improper influence, the Research Integrity Committee was established. This Committee is not required by the Office of Research Integrity, but serves a very useful purpose in meeting several PHS requirements on allegations involving scientific misconduct in research and other requirements by the Alcohol, Firearms and Tobacco (AFT) Organization. The Committee has oversight of all inquiries and investigations associated with allegations of scientific misconduct. Many queries involve questions of "honest differences" in interpretation or judgments of data, which are specifically excluded under the PHS definition (45 CFR 50,102). These inquiries and investigations on scientific misconduct include the following:

- Research Fraud
- Falsification
- Plagiarism
- Fabrication
- Other Serious Deviations

## **520.05 ACTION STEP I: INQUIRY OF RESEARCH MISCONDUCT STRUCTURE**

The inquiry process at Tennessee State University is handled by the Research Integrity Committee. It is the responsibility of the Committee to ensure that the inquiry is conducted in a fair and just manner. The members of the Committee must not have a conflict of interest involving the inquiry process. Members with conflicts of interests or the appearance of a conflict of interest must withdraw from the inquiry process.

Tennessee State University will consult with its legal counsel to minimize the risk of liability for actions taken in the conduct of the inquiry and investigation. The University will make clear any policies on providing legal help to complainants and respondents involved in the allegation.

### **PURPOSE**

When an allegation or a complaint involving the possibility of fraud is made, the Chair of Research Integrity Committee will initiate the inquiry. In the inquiry stage, factual information is gathered and expeditiously reviewed to determine if an investigation of the charge is warranted. An inquiry is not a formal hearing; it is designed to separate allegations deserving further investigations from frivolous, unjustified, or clearly mistaken allegations.

### **PROCESS**

Upon the initiation of an inquiry, the Committee is responsible for notifying the respondent within a reasonable amount of time of the charges and the process that will follow. It will depend upon the nature of the allegations and the evidence available whether or not a case can be reviewed effectively without the involvement of the complainant. Cases that depend specifically on the observation or statements of the complainant cannot proceed without the open involvement of the alleged principal investigator.

### **FINDINGS**

The completion of the inquiry is marked by determination of whether or not an investigation is warranted. There must be a written documentation to summarize the findings. Some cases that can rely on documentary evidence may permit the complainant to remain anonymous. While it may be desirable to keep the identity of the complainant confidential during the inquiry phase, local laws that provide for open access to certain records may make such confidentiality impossible. During the inquiry, confidentiality is desirable in order to protect the rights of all parties involved.

When the inquiry is initiated, the respondent should be reminded of the obligation to cooperate by providing material necessary to conduct the inquiry. Due to the sensitivity of allegations of fraud, the University will make every effort to resolve all cases expeditiously. Deadlines will be established to facilitate the process.

THE INQUIRY PROCESS MUST BE COMPLETED WITHIN 30 DAYS (1986 PHS guidelines and 1987 NSF

regulations). The PI may consult with the Compliance Coordinator in RSP, or download additional information on federal policies and procedures from related websites. The respondent should be informed by the Committee whether or not there will be further investigation. If there is a complainant, he or she should also be informed.

Allegations found to require investigation should be forwarded immediately to RSP who will then notify the agency sponsoring the research. If an allegation is found to be unsupported, but has been submitted in good faith, no further formal action, other than informing all parties involved, should be taken.

The proceedings of an inquiry, including the identity of the respondent, should be held in strict confidence to protect the parties involved. If confidentiality is breached, reasonable steps must be taken to minimize the damage to reputations that may result from inaccurate reports.

## **520.10 ACTION STEP II: INVESTIGATIONS OF RESEARCH MISCONDUCT STRUCTURE**

The Chair of the Research Integrity Committee may select ad hoc members to the Committee to participate in the investigative process to avoid conflicts of interest or the appearance of conflicts of interest of official members of the Committee. Regardless of the structure chosen, conflicts of interest must be examined scrupulously and any relationship with "parties to the matter" must be fully disclosed.

### **PURPOSE**

An investigation should be initiated when the inquiry issues a finding that an investigation is warranted. The purpose of an investigation is to explore further the allegations and determine whether fraud has been committed. In the course of an investigation, additional information may emerge that justifies broadening the scope of the investigation beyond the initial allegations. The respondent should be informed when significant new directions of the investigation are undertaken. The investigation should focus on accusations of fraud (as defined previously) and materials of each case.

### **PROCESS**

Upon receipt of the inquiry findings that an investigation is warranted, the Committee will initiate the investigation promptly while notifying both the complainant and the respondent of such investigation. All involved parties are obligated to cooperate with the proceedings in providing information relating to the case. All necessary information should be provided to the respondent in a timely manner to facilitate the preparation of a response. The respondent should have the opportunity to address the charges and the evidence in detail. The University's policies and procedures will address the role of legal counsel in the investigation. The University's policy requires that an investigation be conducted as expeditiously as possible. The Committee must complete the entire investigation of the case within 120 days to be in compliance with the PHS guidelines and NSF regulations. If the deadline of 120 days of investigation cannot be met, the Committee may request an extension from the Director, Research and Sponsored Programs through the Compliance Coordinator.

### **FINDINGS**

The findings of the Committee should be submitted in writing to the Director, RSP. The respondent should receive the full report of the investigation. When there is more than one respondent, each shall receive all those parts that are pertinent to his or her role. All federal agencies, private foundations, or other entities initially informed of the investigation, must also be notified promptly. The University should retain the findings of the investigation in a confidential and secure file. Investigations into allegations of fraud may result in various outcomes, including:

- a finding of fraud,
- a finding of serious scientific misconduct short of fraud,
- a finding that no culpable conduct was committed, but serious errors were discovered
- a finding that no fraud, misconduct, or serious scientific error was committed.

Thus, an investigation of fraud may disclose evidence that requires further action even in those cases in which no fraud is found. Every effort should be made to prevent retaliatory action against the

complainant if the allegations, however incorrect, are found to have been made in good faith. If the allegations are found to have been maliciously motivated, disciplinary actions may be taken against those responsible.

### **APPEAL/FINAL REVIEW**

The University may choose to provide respondents with an additional appeals process at this point through a written appeal of the Committee's decision. Appeals must be restricted to the body of evidence already presented, and the grounds for appeal should be limited to failure of the Committee to follow appropriate procedures in the investigation or arbitrary and capricious decision making.

New evidence may warrant a new investigation. The appeal should be filed promptly after a finding has been made. On some critical cases, after an appeal is concluded, the University through the Chair of the Committee may decide to have a final review done by the President or his designee. The decision of the review made by the President of the University is final.

### **DISPOSITION**

The responsibility for determining the nature and severity of disciplinary action should be specified in the University's policy. This may, but need not necessarily, be done through the University's regular faculty disciplinary or grievance procedures. Many actions may be available to the University. They may include, but not limited to:

- Removal from the project
- Letter of reprimand and special monitoring of future work
- Probation
- Salary reduction
- Suspension
- Rank reduction
- Barred from University sponsored leaves
- Termination of Employment
- Ineligible for University Awards
- Termination of Research/ Training Incentive Pay
- Travel Restrictions
- Barred from Conducting Future Research Projects at TSU

Consideration in the process will also be given to the formal notification of other concerned parties not previously notified, such as:

- Funding Sources
- Co-authors, Co-investigators, and Collaborators
- Editors of Journals in which Fraudulent Research was Published
- State Professional Licensing Boards
- Professional Societies
- Criminal Authorities where Appropriate
- Other Colleges , Universities, and Corporations

The Committee meets on a quarterly basis to promote high standards of research integrity, make inquiries, and perform investigations on allegations of fraud in research at TSU. Special call meetings are held as often as needed to address urgent cases of research misconduct or fraud. The Research Integrity Committee also has oversight of research on ethical issues such as the use of controlled substances, research with racial overtones, and unauthorized human subjects experiments. All controlled-substances, including absolute alcohol, must be purchased through the Compliance Coordinator or the Committee Chair.

The membership consists of at least five regular committee members, a community person, an attorney,

co-chair, the committee chair, and the Compliance Coordinator. The Vice President for Academic Affairs, Vice President of RSP, Director of RSP, and the Deans of Schools and Colleges are ex-officio members. All members, including the chair and co-chair, are recommended to the Vice President of Research and Sponsored Programs by the Director, RSP, for appointments up to four years.

The membership reflects broad expertise of tenured senior level faculty members from diverse backgrounds of research areas of specialization. They are the stakeholders of research and creative thinking at Tennessee State University. Ad hoc members are selected by the Chair or the Compliance Coordinator to serve on the Committee when special expertise is needed or conflicts of interest or the appearance of conflicts of interest exist within the regular membership.